

SP-0649.1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John C. Nardi **Art Unit:** 1745
Serial No. : 09/213,544 **Examiner:** C. Chaney
Filed : December 17, 1998
For : Alkaline Cell Having a Cathode Incorporating Enhanced Graphite

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF TELEPHONE INTERVIEW

Dear Sir:

In accordance with the requirements of MPEP § 713.04, the following is a summary of the substance of a telephone interview between the undersigned and Examiner Carol Chaney on Wednesday, May 19, 2004:

- A. Brief description of nature of any exhibit shown or any demonstration conducted. None.
- B. Identification of the claims discussed. Claims 1-13 and 15-21.
- C. Identification of specific prior art discussed. None.
- D. Identification of the principal proposed amendments. None.
- E. General thrust of the principal arguments of the applicant and the examiner.

1. Rejection. All claims were rejected under 35 USC § 112, 1st paragraph, for lack of enablement. The Examiner's reason was that expanded graphite with a kerosene absorption value of 2.2-3.5 ml/g is essential to the invention, kerosene absorption is not an inherent property and a correlation between the kerosene absorption values of samples S1-S17 in Fig. 4 and parameters or processing conditions which resulted in those values is not disclosed, so the specification fails to provide one of ordinary skill with guidance as to factors which control kerosene absorption.

2. Applicant's position.

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a. The art to which the invention pertains or is most nearly connected is that of electrochemical cells, not expanded graphite manufacturing. It is not necessary that one skilled in the art of electrochemical cells know exactly how expanded graphite within the specified kerosene absorption range is made.

b. In order to practice the present invention, one skilled in the art of electrochemical cells can simply go to those skilled in the art of making expanded graphite; given the desired kerosene absorption range, the method for determining kerosene absorption and the information disclosed in the application, expanded graphite manufacturers are capable of making expanded graphite with kerosene absorption in the range of 2.2-3.5 ml/g.

c. The Applicant, after discovering the invention, requested expanded graphite made to specifications that included kerosene absorption in the range of 2.2-3.5 ml/g from three additional expanded graphite manufacturers (besides the manufacturer that provided samples S1-S17 in the application), and all three have provided samples of expanded graphite with kerosene absorption values within the specified range.

3. Examiner's position. The Examiner indicated an understanding that one skilled in the art of electrochemical cells does not necessarily need to know how to make expanded graphite having a kerosene absorption value within the specified range but could request the desired material from an expanded graphite manufacturer. The Examiner stated that there should be something in the file showing that one skilled in the art of electrochemical cells can obtain expanded graphite in that manner. The Examiner indicated that a declaration so showing would be helpful in that regard but could not guarantee that it would be persuasive.

4. Agreement. A reply to the Office action, including a declaration demonstrating the availability of expanded graphite materials from multiple manufacturers, will be

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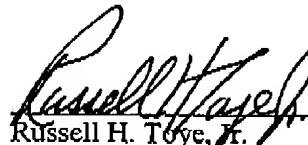
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submitted. If the Examiner thinks of any other approaches that might be persuasive in traversing the rejection, she will telephone the undersigned.

F. General indication of any other pertinent matters discussed. None.

Respectfully submitted,

Date: 5/20/04



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